

Amendment No. 2 to SB0642

Johnson
Signature of Sponsor

AMEND Senate Bill No. 642

House Bill No. 684*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 54, is amended by deleting the part and substituting instead the following:

4-3-5401.

This part shall be known and may be cited as the "Tennessee Sports Hall of Fame Act of 2019."

4-3-5402.

As used in this part:

(1) "Board" means the Tennessee hall of fame board created within the department under § 4-3-5404;

(2) "Commissioner" means the commissioner of the department;

(3) "Department" means the department of tourist development; and

(4) "Hall of fame" means the Tennessee sports hall of fame created under § 4-3-5403.

4-3-5403.

(a) There is created a Tennessee sports hall of fame.

(b) The hall of fame must be administered by the commissioner and the board in accordance with this part.

4-3-5404.

(a) As of the effective date of this act:

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(1) The existing membership of the Tennessee sports hall of fame board of directors is vacated and the board ceases to exist; and

(2) The position of executive director of the board of directors and any other position of employment with the board is vacated and those positions cease to exist.

(b)

(1) There is created within the department the Tennessee sports hall of fame board. The board is composed of nineteen (19) voting members as follows:

(A) Six (6) members each being appointed by the governor, the speaker of the senate, and the speaker of the house of representatives; and

(B) The commissioner.

(2) Each appointing authority shall appoint two (2) members from each grand division of this state, and when making future appointments, shall ensure that the grand divisions are equally represented.

(3) In order to stagger the terms of the newly appointed board members:

(A) The governor shall appoint six (6) persons to initial terms expiring on July 1, 2023;

(B) The speaker of the senate shall appoint six (6) persons to initial terms expiring on July 1, 2022; and

(C) The speaker of the house of representatives shall appoint six
(6) persons to initial terms expiring on July 1, 2021.

(4) Following the initial terms, all appointed members of the board shall serve terms of four (4) years. A member shall not serve more than two (2) consecutive four-year terms.

(5) Existing members of the Tennessee sports hall of fame board of directors, as of the day immediately preceding the effective date of this act, are not eligible for appointment to the board.

(c) In the event of a vacancy for an appointed member of the board, the respective appointing authority shall fill the vacancy for the unexpired term. Each appointee shall serve until a successor is duly appointed and qualified.

(d) The commissioner shall call the first meeting of the board after the effective date of this act. At the first meeting, and at the first meeting of each year thereafter, the board shall elect from among its members:

(1) A chair, vice chair, and any other officers deemed necessary; and

(2) An executive committee to be composed of seven (7) members, with two (2) members representing each grand division of this state, and the commissioner, who shall serve as chair of the executive committee. The executive committee shall adopt bylaws prescribing the duties and functions of the committee.

(e) The board shall meet at the call of the chair and not less than two (2) times per year.

(f) The members of the board are not entitled to any compensation for their service on the board, nor are the members entitled to per diem or travel expenses for purposes of carrying out their duties under this part.

(g) Meetings of the board must comply with the open meeting requirements of title 8, chapter 44.

(h) All records of the board are deemed to be public records for purposes of the public records law, compiled in title 10, chapter 7.

(i) The board may employ an executive director and other employees as the board deems necessary to carry out its functions and duties. The executive director and employees serve at the pleasure of the commissioner. The executive director and employees are subject to an annual performance review by the commissioner, and upon such review, the commissioner shall report the findings to the board upon completion.

(j) The office of the comptroller may audit the board or the executive committee as it deems necessary.

4-3-5405.

(a) Except for the limited purposes prescribed in subsection (b) or as provided under § 4-3-5406(b), the board has no authority to manage, administer, or oversee the hall of fame, and such authority is vested exclusively with the commissioner.

(b) The board shall:

(1) Nominate and induct qualified athletes, athletic teams, sports personalities, and sporting events to the hall of fame in accordance with guidelines prescribed by the board, subject to approval by the commissioner;

(2) Conduct fundraising to support the hall of fame. Any funds raised by the board must be used to support the hall of fame and held by the department and accounted for separately for such use;

(3) Offer advice and guidance to the commissioner for purposes of the commissioner's administration, management, and oversight of the hall of fame, including, but not limited to:

(A) Suggesting programs and campaigns that are designated to promote the spirit of sportsmanship and genteel competition both inside and outside the arena of athletic competition; and

(B) Recommending guidelines and criteria, consistent with the purposes of the hall of fame, for purposes of assisting the commissioner with the administration of a scholarship program under § 4-3-5407; and

(4) For good cause shown, review, reconsider, and renominate, in whole or in part, a previous class elected to the hall of fame.

4-3-5406.

(a) In managing and administering the hall of fame, the commissioner shall facilitate the purposes of the hall of fame, which are to:

(1) Honor, preserve, and perpetuate the names and accomplishments of outstanding athletes, athletic teams, and other sports personalities who are natives of Tennessee;

(2) Honor persons who have competed on teams for, or worked for, Tennessee institutions of learning;

(3) Honor persons with outstanding athletic records who reside in the state of Tennessee at the time of their nomination;

(4) Honor deceased persons with outstanding athletic records who were residents of Tennessee;

(5) Establish, erect, and maintain a permanent archive for the collection and display of memorabilia related to the lives and careers of individuals, teams, and sports events chosen for induction into the hall of fame; and

(6) Inform the public about the lives and accomplishments of the inductees and purposes of the hall of fame.

(b) The commissioner may delegate any duties under subsection (a) to the board as the commissioner deems necessary.

4-3-5407.

The commissioner may:

(1) Request from any branch, department, division, board, bureau, commission, or other agency of the state or that receives state funds, such information as will enable the commissioner and board to best serve the hall of fame and perform the duties required by this part;

(2) Enter into mutual agreements with any state or local government, or subdivision thereof, or privately owned entity authorizing the hall of fame the use of any facility within the control or jurisdiction of such entity for or in connection with hall of fame activities;

(3) Administer a scholarship program to award privately funded scholarships to students based on guidelines and criteria recommended by the board, consistent with the purposes of the hall of fame; and

(4) Promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for purposes of carrying out this part.

SECTION 2. The Tennessee hall of fame board created within the department of tourist development under § 4-3-5404 shall, within thirty (30) days of the last member's appointment, reconsider, in whole or in part, the hall of fame classes elected for 2018 and 2019.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.